

2021CV0021 McCoy, Cedric vs. Loves Travel Stops & Country Stores Inc JMK

- Case Type:
- Civil
- Case Status:
- Open
- File Date:
- 01/15/2021
- Action:
- Other Tort
- Status Date:
- 01/15/2021
- Case Judge:
- Kuhlman, Joel M

All Information Party Docket Receipt Disposition

Docket Information

<u>Date</u>	<u>Description</u>	<u>Docket Text</u>	<u>Image Avail.</u>
01/15/2021	Deposit paid by	Deposit paid by attorney Steven Recht on behalf of Cedric Mccoy. Receipt: 294288 Date: 01/15/2021	
01/15/2021	Civil Filing Fee	Civil Filing Fee Receipt: 294288 Date: 01/15/2021	
01/15/2021	Complaint	Complaint with Jury Demand and Praeipce for service via Certified Mail (3:29) Attorney: Recht, Steven M (64734)	Image
01/15/2021	Praeipce	Praeipce for service of summons and complaint via Certified Mail, return receipt requested (3:29) Attorney: Recht, Steven M (64734)	Image
01/15/2021	Case Designation Form	Case Designation Form-marked 'Other Tort', not previously filed and dismissed. (3:29) Attorney: Recht, Steven M (64734)	Image
01/20/2021	Copies	Copy of Complaint for service	
01/20/2021	Writs - Calculated and Fees Attached	Writs - Calculated and Fees Attached	
01/20/2021	Certified Mail Issued	Issue Date: 01/20/2021 Service: Summons on Complaint Issued Method: Neopost Certified Mail Cost Per: \$5.60 Loves Travel Stops & Country Stores Inc c/o CT Corporation System 440 Easton Commons Way Ste 125 Columbus, OH 43219 Tracking No: N000000000000045050	
01/20/2021	Writ Attached - Summons on Complaint	Writ Attached - Summons on Complaint Summons on Complaint (N) Sent on: 01/20/2021 11:01:40.86	Image

<u>Date</u>	<u>Description</u>	<u>Docket Text</u>	<u>Image</u> <u>Avail.</u>
01/27/2021	Successful Service	<p>Successful Service</p> <p>Method : Neopost Certified Mail</p> <p>Issued : 01/20/2021</p> <p>Service : Summons on Complaint Issued</p> <p>Served : 01/22/2021</p> <p>Return : 01/27/2021</p> <p>On : Loves Travel Stops & Country Stores Inc</p> <p>Signed By : Daniel D Kelley (11:14)</p> <p>Reason : Successful</p> <p>Comment : 4400 Easton Comm Ste 125</p> <p>Tracking #: N000000000000045050</p>	<u>Image</u>

Friday, January 15, 2021 3:29:45 PM

2021CV0021 - Joel M Kuhlman

DOUGLAS F. CUBBERLEY
CLERK OF COURTS WOOD COUNTY OHIO

IN THE COURT OF COMMON PLEAS OF WOOD COUNTY, OHIO

CEDRIC MCCOY
2816 Washington Street, Apt. C
Camden, NJ 08105,

Plaintiff,

v.

LOVE'S TRAVEL STOPS &
COUNTRY STORES, INC.
c/o CT Corporation System
4400 Easton Commons Way, Ste. 125
Columbus, OH 43219

Defendant.

)
) CASE NO.: _____
)
) JUDGE: _____
)
) **COMPLAINT WITH DEMAND**
) **FOR TRIAL BY JURY ENDORSED**
) **HEREON**
)
)
) Steven M. Recht, Esq. (0064734)
) Recht Law Offices
) 3405 Main St.
) Weirton, WV 26062
) Tel: (304) 748-5850
) Fax: (304) 748-6019
) Email: smr@rechtlaw.com
) Counsel for Plaintiff

Comes now the Plaintiff, by and through undersigned counsel, and for his Complaint against Defendant, represents to this Honorable Court as follows:

1) That at all times relevant to the within action, the Plaintiff, Cedric McCoy, was a resident of 2816 Washington Street, Apt. C, Camden, NJ;

2) That upon information and belief, at all times relevant to the within action, the Defendant, Love's Travel Stops & Country Stores, Inc., was and is an Oklahoma corporation authorized to conduct business in the State of Ohio, which owned and/or leased, operated, controlled and was responsible for the premises located at 26530 Baker Road in Perrysburg,

Lake Township, Wood County, Ohio, commonly known as Love's Travel Stops & Country Stores, Inc., (hereinafter referred to herein as "Love's" or "Defendant Love's"), for the purpose of conducting business operations thereon;

3) That jurisdiction and venue are proper in this Court as Wood County, Ohio, is the county in which all of Plaintiff's claims as delineated herein arose;

FIRST CAUSE OF ACTION

4) Plaintiff incorporates by reference Paragraphs 1 through 3 of his Complaint as if fully set forth herein.

5) That on or about the 23rd day of January, 2019, Defendant Love's did invite the general public, including the Plaintiff, Cedric McCoy, to enter its business premises located at 26530 Baker Road in Perrysburg, Lake Township, Wood County, Ohio, commonly known as Love's Travel Stops & Country Stores, Inc.;

6) That on or about the 23rd day of January, 2019, the Plaintiff, Cedric McCoy, was present as such an invitee on Defendant Love's property/business premises located at 26530 Baker Road in Perrysburg, Lake Township, Wood County, Ohio, when he drove his truck onto said premises and parked the same in a line of trucks in an area so designated for parking of such vehicles;

7) That on or about the 23rd day of January, 2019, unknown to Plaintiff, there existed a dangerous, unsafe, and hazardous condition created by Defendant Love's by the said Defendant's failure to properly remove and/or treat unnatural accumulations of ice from the parking lot area such as to create a slipping hazard;

8) That on or about the 23rd day of January, 2019, that as a direct and proximate

result of Defendant Love's failure to properly remove and/or treat unnatural accumulations of ice from the parking lot area where Plaintiff had parked, Defendant Love's improperly maintained the aforesaid parking area, creating a dangerous condition for its patrons and those parking trucks in the said designated parking area, and Defendant knew of said condition, or, in the ordinary course of business, ought to have known of the presence of said condition of the parking area;

9) That on or about the 23rd day of January, 2019, Defendant Love's failed to provide warning of the aforesaid dangerous condition to all persons who reasonably might be expected and/or were using said area;

10) That on or about January 23, 2019, by failing to properly maintain its premises as delineated herein, and/or warn about the aforesaid dangerous condition, Defendant Love's carelessly, negligently, and otherwise improperly operated the premises located at 26530 Baker Road, Perrysburg, Lake Township, Wood County, Ohio, and thereby created an unforeseeable hazard for their invitees;

11) As a direct and proximate result of this dangerous, unsafe, and hazardous condition caused by Defendant Love's, on or about the 23rd day of January, 2019, when Plaintiff, Cedric McCoy, parked his truck in a line of vehicles and in an area so designated for parking by Defendant Love's, unbeknownst to Plaintiff, Cedric McCoy, the parking space and adjacent area was covered with ice, and when Plaintiff, Cedric McCoy, exited his vehicle to proceed in the parking lot to the store's entrance/exit, he immediately slipped and fell on the ice, causing him to sustain serious, severe, and permanent injuries;

12) Plaintiff Cedric McCoy's injuries and damages were caused by and were the

direct and proximate result of some or all of the following negligent, wrongful acts, or omissions of Defendant Love's:

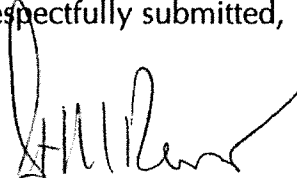
- a. Failure to provide invitees of Defendant Love's premises located at 26530 Baker Road, Perrysburg, Lake Township, Wood County, Ohio, with a safe environment;
- b. Causing and/or permitting the unnatural accumulation of ice, thus creating a dangerous, unsafe and hazardous condition to exist;
- c. Improperly maintaining the area of the business' parking lot, causing an unnatural accumulation of ice to cover the designated parking area, as to create a slipping hazard to those invitees parking in said spaces and others;
- d. Failure to provide adequate warning or other notification to all persons who might be walking in said area when Love's knew or should have known of the dangerous condition and that such condition would create a serious risk of injury to persons walking in said area;
- e. Failing to otherwise exercise that regard and care for the rights and safety of Plaintiff Cedric McCoy required of Love's under the law; and
- f. Otherwise carelessly, negligently and improperly operating the said Love's Travel Stops & Country Stores, Inc., located at 26530 Baker Road, Perrysburg, Lake Township, Wood County, Ohio;

13) As a direct and proximate result of the aforesaid negligence of Defendant Love's and by reason of the aforementioned premises, Plaintiff, Cedric McCoy, suffered numerous

physical injuries, which physical injuries have caused and will continue in the future to cause the Plaintiff, Cedric McCoy, great pain, discomfort, mental, emotional and psychological distress and anxiety, disruption of life's activities and inconvenience, lost wages, loss of his ability to perform the basic functions of life and loss of the ability to enjoy life, and have required and will continue in the future to require Plaintiff, Cedric McCoy, to undergo medical and surgical treatments and physical therapy in an attempt to alleviate his pain and suffering and have caused and will continue in the future to cause Plaintiff, Cedric McCoy, to pay out and expend great sums of money for doctors, medical and nursing care in and about endeavoring to cure himself of said injuries, all to the damage of this Plaintiff.

WHEREFORE, Plaintiff prays that he may have and recover judgment against the Defendant Love's for compensatory damages, including pre and post judgment interest and costs, in an amount in excess of Twenty-five Thousand Dollars (\$25,000). Further, Plaintiff requests any additional other relief, general or specific, which is deemed just and proper.

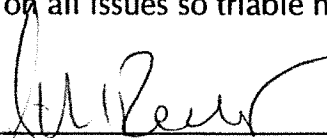
Respectfully submitted,



STEVEN M. RECHT, ESQ.
RECHT LAW OFFICES
3405 Main Street
P.O. Box 841
Weirton, WV 26062
Phone: (304) 748-5850
Fax: (304) 748-6019
Email: smr@rechtlaw.com
OH Reg. No. 0064734
Counsel for Plaintiff

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a trial by jury on all issues so triable herein.




STEVEN M. RECHT, ESQ.
Counsel for Plaintiff

PRAECIPE

Please serve the Defendant by certified mail, return receipt requested, at the following address:

Love's Travel Stops &
Country Stores, Inc.
c/o CT Corporation System
4400 Easton Commons Way
Suite 125
Columbus, OH 43219



STEVEN M. RECHT, ESQ.
Counsel for Plaintiff

Friday, January 15, 2021 3:29:45 PM

2021CV0021 - Joel M Kuhlman

DOUGLAS F. CUBBERLEY
CLERK OF COURTS WOOD COUNTY OHIO

COURT OF COMMON PLEAS, WOOD COUNTY OHIO

Civil Rule 4.7 - Praecept for Waiver of service

CEDRIC MCCOY

Case Number: 2021CV0021

Judge: Joel M Kuhlman

vs.

Praecept to Clerk for Service

LOVE'S TRAVEL STOPS & COUNTRY
STORES, INC.

(Additional security for costs may be required)

 Do NOT serve party listed below - Civ. R. 4.7 Waiver of Service Requested

Waivers of Service are **not** permitted for Civil Protection Orders issued pursuant to Civil Rule 65.1

 X Please select only ONE method per Praecept below for service to be issued:

☐ No Service

☐ Service by Sheriff:
(Foreign service \$20.00 deposit is required for each service)

☐ Personal or ☐ Residential

☒ Certified Mail, return receipt requested

☐ Service by Process Server
Name of Process Server: _____

☐ Registered Mail

☐ Commercial Carrier: _____

☐ Ordinary U.S. Mail with Certificate of
Mailing

Using above selected method, please serve the below named party at the address indicated:

Love's Travel Stops & Country
Stores, Inc.
c/o CT Corporation System
4400 Easton Commons Way,
Ste. 125
Columbus, OH 43219

Requested By:

Attorney: Steven M Recht (64734)

Friday, January 15, 2021 3:29:45 PM

2021CV0021 - Joel M Kuhlman

DOUGLAS F. CUBBERLEY
CLERK OF COURTS WOOD COUNTY OHIO

IN THE COURT OF COMMON PLEAS OF WOOD COUNTY, OHIO

CEDRIC MCCOY

Case No. 2021CV0021

vs.

LOVE'S TRAVEL STOPS & COUNTRY STORES,
INC.

CIVIL

CASE DESIGNATION FORM

Has this case been previously filed and dismissed? ___ NO ___

If yes, list Case No. and Judge: ___ N/A ___

List Pending or related cases: ___ N/A ___

CATEGORIES

___ FORECLOSURES

(e.g. real estate, Personal property)

___ OTHER CIVIL

(e.g. promissory note defaults, fraud, contract disputes)

X OTHER TORT

(e.g. auto accidents, personal Injuries, intentional act)

___ WORKER'S COMPENSATION

☐ State Funded

☐ Self-Insured

___ ALL OTHERS

___ ADMINISTRATIVE APPEAL

(e.g. agency appeals)

___ PROFESSIONAL TORT

(e.g. medical/legal malpractice)

___ PRODUCT LIABILITY (TORT)

___ VIOLATION OF ANTI-PREDATORY
LENDING LAW

___ CERT. OF QUALIFICATION OF EMP.
[MISC. CIVIL CQE]

I CERTIFY that to the best my knowledge the within case is not related to any now pending or previously filed case, except as noted above.

Also, do you consider this case
COMPLEX LITIGATION, pursuant to
C.P. Sup. Rule 42 ____ No ____

/s/ STEVEN M RECHT

By: _____

STEVEN M RECHT (64734)

PO Box 841 3405 Main Street Weirton WV 26062

Telephone 340-748-5850

Fax: 340-748-6019

smr@rechtlaw.com

COURT OF COMMON PLEAS, WOOD COUNTY OHIO
SUMMONS ON COMPLAINT

Rule 4 1970 Ohio Rules of Civil Procedure

Case Number: 2021CV0021

Judge Joel M Kuhlman

Cedric McCoy vs. Loves Travel Stops & Country Stores Inc

Cedric McCoy

2816 Washington Street Apt C

Camden NJ 08105

Plaintiff

vs.

Loves Travel Stops & Country Stores Inc

c/o CT Corporation System

440 Easton Commons Way Ste 125

Columbus OH 43219

Defendant

To the above named defendant:

You are hereby summoned that a complaint (a copy of which is hereto attached and made a part hereof) has been filed against you in Wood County Court of Common Pleas, Wood County Courthouse, Bowling Green, OH 43402, by the Plaintiff(s) named herein.

You are required to serve upon the Plaintiff(s) attorney, or upon the Plaintiff if he/she has no attorney of record, a copy of your answer to the complaint within 28 days after service of this summons upon you, exclusive of the day of service. Said answer must be filed with this Court within three days after service on Plaintiff(s) attorney.

The name and address of the Plaintiff(s) Attorney is as follows:

Steven M Recht 64734

Recht Law Offices

PO Box 841

Weirton WV 26062

(340)-748-5850

If you fail to appear and defend within 28 days, judgment by default will be taken against you for the relief demanded in the complaint.

I, Douglas F. Cubberley, Clerk of the Court of Common Pleas, hereby certify that the attached is a true copy of the original papers filed in the above-entitled case.



Douglas F. Cubberley
Clerk of Courts

By: 

Deputy Clerk

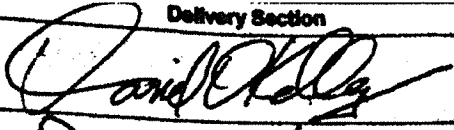
UNITED STATES
POSTAL SERVICE™

Date Produced: 01/25/2021

ConnectSuite Inc.:

The following is the delivery information for Certified Mail™/RRE item number 9214 8901 9403 8300 0030 1758 76. Our records indicate that this item was delivered on 01/22/2021 at 12:20 p.m. in COLUMBUS, OH 43224. The scanned image of the recipient information is provided below.

Signature of Recipient :

Delivery Section	
Signature	
Printed Name	DANIEL D KEVEY

Address of Recipient :

Delivery Address
4400 Easton Ste 125 Comm.

Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local post office or Postal Service representative.

Sincerely,
United States Postal Service

The customer reference number shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.

This USPS proof of delivery is linked to the customers mail piece information on file as shown below:

LOVES TRAVEL STOPS & COUNTR
C/O CT CORPORATION SYSTEM
440 EASTON COMMONS WAY STE 125
COLUMBUS OH 43219

Customer Reference Number: C2473139.14224111

Return Reference Number 2021CV0021 N 000 045 050